

IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John A. Dyach et al.

Title: TRENDING MEASUREMENT OF CARDIAC RESYNCHRONIZATION THERAPY

Docket No.: 279.663US1

Filed: December 8, 2003

Examiner: Unknown

OCT 26 2004  
PATENT & TRADEMARK OFFICE

Serial No.: 10/730,760

Due Date: N/A

Group Art Unit: 3764

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

A return postcard.  
 A Communication Concerning Related Applications (2 pgs.).  
 An Information Disclosure Statement (2 pgs.), Form 1449 (2 pgs.), and copies of 2 cited documents.

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
Customer Number 21186

By: Marvin L. Beekman  
Atty: Marvin L. Beekman  
Reg. No. 38,377

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 20th day of October, 2004.

Name

JAMES KANYSIK

Signature

James Kanysik

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
(GENERAL)

S/N 10/730,760

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John A. Dyjach et al.

Examiner: Unknown

Serial No.: 10/730,760

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Title: TRENDING MEASUREMENT OF CARDIAC RESYNCHRONIZATION  
THERAPY



COMMUNICATION CONCERNING RELATED APPLICATIONS

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicants would like to bring to the Examiner's attention the following related applications in the above-identified patent application:

<u>Serial/Patent No.</u>	<u>Filing Date</u>	<u>Attorney Docket</u>	<u>Title</u>
09/991522	November	279.400US1	TRIGGERED STORAGE OF
2003/0097155	20, 2001		DIAGNOSTIC DATA ASSOCIATED
A1			WITH COMPROMISED
			RESYNCHRONIZATION THERAPY

Respectfully submitted,

JOHN A. DYJACH ET AL.

By Applicants' Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6960

Date 10-19-04

By Marvin L. Beekman

Marvin L. Beekman  
Reg. No. 38,377

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JAMES KANYUSIK  
Name

James Kanyusik  
Signature

S/N 10/730,760



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: John A. Dyjach et al. Examiner: Unknown  
Serial No.: 10/730,760 Group Art Unit: 3764  
Filed: December 08, 2003 Docket: 279.663US1  
Title: TRENDING MEASUREMENT OF CARDIAC RESYNCHRONIZATION  
THERAPY

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**INFORMATION DISCLOSURE STATEMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicants respectfully request that this Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicants request that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicants with the next official communication.

Pursuant to 37 C.F.R. § 1.97(b), it is believed that no fee or statement is required with the Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Deposit Account No. 19-0743 in order to have this Information Disclosure Statement considered.

The present application is a U.S. national patent application filed after June 30, 2003. Thus, Applicant believes that the U.S. Patent & Trademark Office has waived the requirement under 37 C.F.R. 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication. The waiver is provided in a pre-OG notice from the U.S. Patent & Trademark Office entitled "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003" and dated July 11, 2003. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2).

The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this communication.

Respectfully submitted,

JOHN A. DYJACH ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
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(612) 373-6960

Date 10-19-04

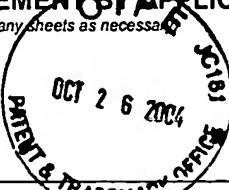
By Marvin L. Beekman  
Marvin L. Beekman  
Reg. No. 38,377

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JAMES KAYESEK  
Name

James Kaysiek  
Signature

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		Complete if Known	
		Application Number	10/730,760
		Filing Date	December 8, 2003
		First Named Inventor	Dyjach, John
		Group Art Unit	3764
		Examiner Name	Unknown
Sheet 1 of 2		Attorney Docket No: 279.663US1	

### US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	Filing Date If Appropriate
	US-2002/0082509 A1	06/27/2002	Vanderlinde, Scott , et al.	600	510	12/26/2000
	US-2003/0060851 A1	03/27/2003	Kramer, A. P., et al.	607	9	09/27/2001
	US-2003/0097155 A1	05/22/2003	Stahmann, Jeffrey E., et al.	607	9	11/20/2001
	US-2004/0106960 A1	06/03/2004	Siejko, Krzysztof Z., et al.	607	17	12/02/2002
	US-2004/0122297 A1	06/24/2004	Stahmann, Jeffrey E., et al.	600	300	12/18/2002
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EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional) 2 Applicant is to place a check mark here if English language Translation is attached

Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE      STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b> <b>Application Number</b> 10/730,760 <b>Filing Date</b> December 8, 2003 <b>First Named Inventor</b> Dyjach, John <b>Group Art Unit</b> 3764 <b>Examiner Name</b> Unknown				
Sheet 2 of 2		Attorney Docket No: 279.663US1				

	US-5,974,340	10/26/1999	Kadhiresan, V. A.	607	18	04/29/1997
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#### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	Class	Subclass	T <sup>2</sup>
	WO-97/43003	05/10/1996	Prutchi, David , et al.	A61N	1/372	

#### OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		SIEJKO, KRZYSZTOF Z., "A THIRD HEART SOUND ACTIVITY INDEX FOR HEART FAILURE MONITORING", Application Serial No. 10/746,874, Filed December 24, 2003 Attorney Docket No. 279.671US1, 41 pgs.	

EXAMINER

DATE CONSIDERED